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June 17, 2008

MEMO ENDORSED

Hon. Kenneth M. Karas
United States District Court
Southern District of New York
U.S. Courthouse
300 Quarropas Street, Chambers 533
White Plains, New York 10601

Re: Anita Waxman v. Thomas Puccio
Case No. 05 CV 10503 (KMK)

Dear Judge Karas:

I represent plaintiff Anita Waxman herein. I noticed my substitution as plaintiff's counsel in December 2007.

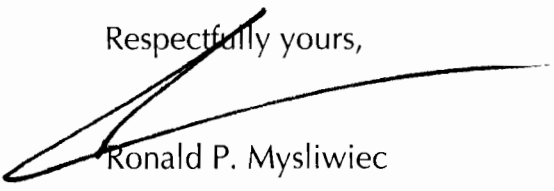
On or about July 17, 2006, defendant brought a motion in this Court "to Dismiss the Amended Complaint, or in the alternative staying the action, and compelling arbitration pursuant to the Federal Arbitration Act." That motion has been *sub judice* since September 6, 2006.

This is respectfully to advise this Court that plaintiff hereby consents to so much of defendant's July 17, 2006 motion as requests a stay of this action in favor of arbitration of this dispute and has no objection to the Court's entry of an order granting such relief on consent. (Please note that plaintiff does not consent to entry of any order dismissing her action in this Court, only an order staying the action.)

In this connection please be advised that plaintiff has taken the liberty of commencing an arbitration before the American Arbitration Association exactly as urged by defendant in his moving papers in July 2006. In light of his motion we can think of no objection that defendant could have to plaintiff's approach. We also believe that this Court has no objection. I enclose a copy of plaintiff's AAA Demand for Arbitration and Statement of Arbitration Claim.

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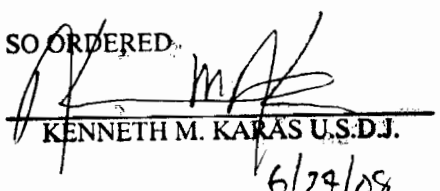
Respectfully yours,


Ronald P. Mysliwiec

RPM/dag
Via USPS (w/enclosures)
Cc: Paul Kovner, Esq.
Rubin, Fiorella & Friedman LLP

Having been advised that Defendant does not object, the case is stayed due to the Parties desire to ~~have~~ pursue arbitration of this case. As a result, Defendant's motion to stay/dismiss the case pending arbitration is denied, without prejudice, as moot. (Doc# 11.)

SO ORDERED


KENNETH M. KARAS U.S.D.J.

6/29/08